

PETITION FOR ZONING VARIANCE  
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
 The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to permit a side yard of one foot instead of the required thirty feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)  
 This is a small property that has a rear property line of only 90 feet. We would be faced with an extreme hardship if we had to comply with the 30 side yard set back. We would have to locate the customer service building under the canopy, which would be impossible. By locating the building one foot off the side property line, the building would act as a screen for the strip commercial center which is located adjacent to our side property line.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
 I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Lessee  
 Contract Purchaser:  
 Exxon Corporation  
 (Type or Print Name)  
 Signature  
 Box 1288  
 Address  
 Baltimore, Md. 21203  
 City and State

Legal Owner(s):  
 L. Franklin Price & Edith L. Price  
 (Type or Print Name)  
 Signature  
 Edith L. Price  
 (Type or Print Name)  
 Signature  
 614 Wesley Avenue  
 Address  
 Towson, Md. 21204  
 City and State

Attorney for Petitioner:  
 Vernon Booser  
 (Type or Print Name)  
 Signature  
 614 Wesley Avenue  
 Address  
 Towson, Md. 21204  
 City and State  
 Attorney's Telephone No.: 828-9441

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of June, 1981, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of September, 1981, at 9:45 o'clock A.M.

Zoning Commissioner of Baltimore County.  
 (over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 25, 1981

COUNTY OFFICE BLDG.  
 111 W. Chesapeake Ave.  
 Towson, Maryland 21204

ooo  
 Nicholas B. Commodari  
 Chairman

MEMBERS  
 Bureau of Engineering  
 Department of Traffic Engineering  
 State Roads Commission  
 Bureau of Fire Prevention  
 Health Department  
 Project Planning  
 Building Department  
 Board of Education  
 Zoning Administration  
 Industrial Development

P. Vernon Booser, Esquire  
 614 Wesley Avenue  
 Towson, Maryland 21204

RE: Item No. 243  
 Petitioner - L. Franklin Price, et ux  
 Special Hearing & Variance Petitions

Dear Mr. Booser:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Because of your clients' proposal to convert the existing full service gas station to a strictly gas and go operation, this special hearing is required, while the variance is required to construct a service building closer to the property line than permitted.

Particular attention should be afforded to the comments of the State Highway Administration.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,  
 Nicholas B. Commodari,  
 NICHOLAS B. COMMODARI  
 Chairman  
 Zoning Plans Advisory Committee

NBC:bso

Enclosures

cc: Exxon Corporation  
 Attn: Mr. Stewart A. Bain  
 Box 1288  
 Baltimore, Maryland 21203

PETITION FOR SPECIAL HEARING  
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to Case #3049 to convert an existing full service gas station to a gas-and-go operation.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

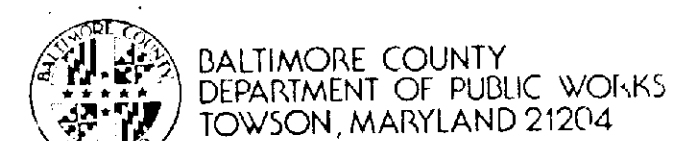
Contract Purchaser:  
 Exxon Corporation  
 (Type or Print Name)  
 Signature  
 Box 1288  
 Address  
 Baltimore, Md. 21203  
 City and State

Legal Owner(s):  
 L. Franklin Price  
 (Type or Print Name)  
 Signature  
 Edith L. Price  
 (Type or Print Name)  
 Signature  
 614 Wesley Avenue  
 Address  
 Towson, Md. 21204  
 City and State  
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
 Stewart A. Bain (Exxon Corporation)  
 Box 1288, Baltimore, Md. 21203 563-5146  
 Address Phone No.

Attorney for Petitioner:  
 Vernon Booser  
 (Type or Print Name)  
 Signature  
 614 Wesley Avenue  
 Address  
 Towson, Md. 21204  
 City and State  
 Attorney's Telephone No.: 828-9441

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of June, 1981, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of September, 1981, at 9:45 o'clock A.M.

Zoning Commissioner of Baltimore County.  
 (over)



HARRY J. PISTEL P.E.  
 Director  
 Mr. William E. Hammond  
 Zoning Commissioner  
 County Office Building  
 Towson, Maryland 21204

July 30, 1981

Re: Item # 43 (1980-1981)  
 Property Owner: L. Franklin & Edith L. Price  
 E/S York Rd. 152' S. of centerline of Gerard Avenue  
 Acres: 0.34 District: 8th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

This property comprises Lots 1 thru 5, Section B, Yorkshire, recorded W.P.C. 7, Folio 21.

Highways:

York Road (Md. 45) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Gerard Avenue, an existing County road, is proposed to be further improved in the future as a 40-foot closed section roadway on a 50-foot right-of-way with a filllet area for sight distance at York Road.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

station from one providing service to a community and the traveling public to one providing an outlet for the sale of a product. The petitioner contends, however, that although changing the mode of operation at this location precludes repair work, other locations exist within one and a half miles of the subject property performing such work. Petitioner's Exhibit 3, submitted in support of this contention, lists twenty-four such locations, including automobile dealerships, tire centers, and sixteen other service stations, the latter group being available for conversion to gas-and-go operations. The Maryland State Legislature, in recognizing the need for automotive service work to be available to the general public in the locality, enacted Article 56, Section 157F, which placed the responsibility for approval of conversions upon the local zoning boards or planning commissioners.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of December, 1981, that the amendment to the site plan filed in Case No. 3049 to convert an existing full service gas station to a gas-and-go operation, in accordance with Petitioner's Exhibit 1, should be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. All outdoor lighting shall be regulated as to location, direction, hours of illumination, glare, and intensity to minimize illumination beyond the subject property.
2. Compliance with the comments submitted by the Maryland Department of Transportation, dated July 1, 1981, the Department of Permits and Licenses, dated July 6, 1981, and the Department of Health, dated August 24, 1981.
3. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning, including landscaping and screening required for approval by the Current Planning and Development Division.

Zoning Commissioner of  
 Baltimore County

ORDER RECEIVED FOR FILING  
 DATE December 10, 1981  
 BY [Signature]

Item #243 (1980-1981)  
 Property Owner: L. Franklin & Edith L. Price  
 Page 2  
 July 30, 1981

Storm Drains: (Cont'd)

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the petitioner.

Water and Sanitary Sewer:

There is an 8-inch public water main in Gerard Avenue and 12 and 30-inch public water mains in York Road. Fire hydrants are located at Timonium and York Roads and at Gerard Avenue and Timonium Road.

There is public 8-inch sanitary sewerage in Gerard Avenue and 10-inch sanitary sewerage within a utility easement east of and contiguous to the easterly outline of this property. (Drawing #52-0418, File 1).

Very truly yours,  
 Robert A. Mucken, P.E., Chief  
 Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley

S-NE Fey Sheet  
 53 NW 2 Pos. Sheet  
 NW 14 A Topo  
 60 Tax Map

BALTIMORE COUNTY

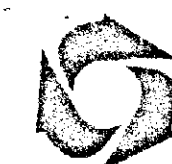
ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS



Maryland Department of Transportation  
 State Highway Administration

James J. O'Donnell  
 Secretary  
 M. S. Caltrider  
 Administrator

July 1, 1981

Mr. William Hammond  
 Zoning Commissioner  
 County Office Bldg.  
 Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting of 6-30-81  
 ITEM: #243  
 Property Owner: L. Franklin & Edith L. Price  
 Location: E/S York Rd. (Route 45) 152' S. of centerline of Gerard Ave.  
 Existing Zoning: BL-CNS  
 Proposed Zoning: Special  
 Hearing to amend Case #3049 to convert an existing full service gas station to a gas-and-go operation, and variance to permit a side yard setback of 1' in lieu of the required 30'.  
 Acres: 0.34  
 District: 8th

Dear Mr. Hammond:

On review of the plan of April 14, 1981 and field inspection, the State Highway Administration finds the plan generally acceptable.

However, the plan must be revised to show the following comments.

1. The proposed new concrete curb and gutter between the existing entrances on York Road and in back of the R/W line must be labeled as "S.H.A. Concrete Curb & Gutter".

The State Highway Administration will require a permit and posted bond in the amount of \$3,000.00 for work within the State R/W and behind the R/W line.

My telephone number is (301) 659-1350

P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203



ORDER RECEIVED FOR FILING

DATE December 9, 1981  
BY John P. Lawrence  
ADMINISTRATIVE ASSISTANT

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioner, that by reason of the location of the variance requested being adjacent to a Business, Major strip center, and, further, that the granting of the variance will not adversely affect the health, safety, and general welfare of the community, the variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of December, 1981, that the herein Petition for Variance to permit a side yard setback of one foot in lieu of the required thirty feet, in accordance with Petitioner's Exhibit 1, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the terms, provisions, and restrictions contained in the accompanying Special Hearing Order.

*John E. St.*  
Zoning Commissioner of  
Baltimore County

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

PAUL H. RERICK  
CHIEF

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: L. Franklin & Edith L. Price

Location: E/S York Road 152' S. of centerline of Gerard Avenue

Item No.: 243 Zoning Agenda: Meeting of June 30, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *John P. Lawrence*  
Planning/Code  
Special Inspection Division

Noted and  
Approved: *George M. McGonigle*  
Fire Prevention Bureau

rmh/nr

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts:

1. Article 56, Section 157F of the Annotated Code of Maryland, 1979 Replacement Volume, states the following:

"...Certificates of registration may not be issued to retail service station dealers marketing motor vehicle fuel through retail outlets enlarged, altered, or structurally modified (other than as may be required by appropriate governmental authority) in any way after July 1, 1977, before July 1, 1984, unless the facilities contain enclosed work areas where service of motor vehicles is offered to customers, irrespective of whether or not motor vehicle fuel is purchased, including, but not limited to lubrication, oil change, tire repair, battery charge, and replacement of accessories such as fan belts, radiator hose and wiper blades. This restriction does not apply to: (i) stations which do not have such enclosed work areas prior to the time that they are enlarged, altered or structurally modified; or (ii) stations enlarged, altered, or structurally modified when local zoning boards or planning commissioners rule in favor of conversions to gasoline-only outlets after considering the needs for this type of service to the general public in the locality, and upon agreement between the owner and dealer..."

2. The herein petitioner requests approval of an amendment to the site plan filed in Case No. 3049 to convert an existing full service gas station to a gas-and-go operation.

3. Mr. Stewart A. Bain, a representative of Exxon Corporation, testified that the existing improvements are approximately forty years old and in poor condition. Exxon Corporation proposes to raze the existing facility and construct a gas-and-go operation with a canopy-covered, three-pump island and 28,000 gallon tanks in lieu of the existing 12,000 gallon tank, all in accordance with the site plan revised May 28, 1981, and marked Petitioner's Exhibit 1. The facility will resemble the artist's rendering marked Petitioner's Exhibit 2. Mr. Bain also testified regarding other proposed improvements, i.e., fencing, landscaping, and lighting. On cross-examination, Mr. Bain acknowledged that the service bays would no longer be available for repairs normally performed by a service station, but submitted a list of those businesses located within a mile and a half of the subject site having facilities available for those types of services (Petitioner's Exhibit 3).

4. Protestants felt that the possibility of a twenty-four hour operation; the close proximity of air and water dispensers to an adjoining property; the location of the rest rooms and dumpster; and the accessory use of the business for the sale of candy, soft drinks, etc., would have a depreciating effect on nearby properties. The main source of objection, though, appears to center upon the loss of repair service to the community.

5. To approve the amendment would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not adversely affect the health, safety, and general welfare of the community.

and, thus, the present public hearing is required.

While it is true that the existing service station improvements are old and need renovation, the proposed renovations change the basic primary concept of a service

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

TED ZALESKI JR.  
DIRECTOR

Mr. William S. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #243 Zoning Advisory Committee Meeting, June 30, 1981

Property Owner: L. Franklin & Edith L. Price  
Location: E/S York Road 152' S of centerline of Gerard Avenue  
Baltimore County  
Proposed Zoning: EL-ONS

Special Hearing to amend Case #3049 to convert an existing full service gas station to a gas and go operation, and Variance to permit a side yard setback of 1' in lieu of the required 30'. Existing station comply with Fire & Bldg. Codes  
Acreage: 0.34  
District: 8th

The items checked below are applicable:

X A. All structures shall conform to the Baltimore County Building Code 1976, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes, and other miscellaneous

X B. A building permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required.

X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 6" masonry firewall is required if construction is on the lot line.

F. Requested variance conflicts with the Baltimore County Building Code, Section/s \_\_\_\_\_

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 211.

X I. Comments - Structure located 1'-0" off property line shall have a 1 hour fire rating on southwall.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

*Charles E. Burman*  
Charles E. Burman, Chief  
Plans Review

028:rrj

July 1, 1981

Mr. W. Hammond

I am sending a sketch showing the areas referred to in the previous comments.

It is requested that the plan be revised prior to hearing date.

Very truly yours,

Charles Lee, Chief  
Bureau of Engineering  
Access Permits

*George Wittman*  
By: George Wittman

CL:GW:vr

Enclosure

cc: Mr. J. Wimbley

- 2 -

PETITION FOR VARIANCE  
RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
SE corner of York Road and  
Gerard Avenue, 8th District : OF BALTIMORE COUNTY

L. FRANKLIN PRICE, et ux, : Case No. 82-52-SPHA  
Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel

*John W. Hession, III*  
John W. Hession, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 12th day of August, 1981, a copy of the foregoing

Order was mailed to F. Vernon Booser, Esquire, 614 Bosley Road, Towson, Maryland 21204, Attorney for Petitioner; and Mr. Stewart A. Bain, EXXON Corporation, P. O. Box 1288, Baltimore, Maryland 21203, Contract Purchaser.

*John W. Hession, III*  
John W. Hession, III

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
494-3211  
NORMAN E. GERARD  
DIRECTOR

August 3, 1981

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #243, Zoning Advisory Committee Meeting, June 30, 1981, are as follows:

Property Owners: L. Franklin & Edith L. Price  
Location: E/S York Road 152' S. of centerline of Gerard Avenue  
Acreage: 0.34  
District: 8th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

A detailed landscape plan must be provided.

The property is located in a traffic area controlled by an "F" level intersection.

Very truly yours,

*John L. Wimbley*  
John L. Wimbley  
Planner III  
Current Planning and Development

RE: PETITION FOR SPECIAL HEARING : BEFORE  
and a VARIANCE from Section 238.2 : COUNTY BOARD OF APPEALS  
of the Baltimore County :  
Zoning Regulations : OF  
SE corner York Road and :  
Gerard Ave. : BALTIMORE COUNTY  
8th District :  
L. Franklin Price, et ux : No. 82-52-SPHA  
Petitioners :

ORDER OF DISMISSAL

Petition of L. Franklin Price, et ux, for a special hearing to convert a full service gas station to a gas and go operation and a variance from Section 238.2 of the Baltimore County Zoning Regulations to permit a side yard of 1' in lieu of the required 30', on property located on the southeast corner of York Road and Gerard Ave. in the Eighth District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter, filed February 16, 1982, (a copy of which is attached hereto and made a part hereof) from the Protestant-Appellant in the above entitled matter.

WHEREAS, the said Protestant-Appellant requests that the appeal filed on behalf of the Protestant-Appellant be dismissed and withdrawn as of February 16, 1982.

IT IS HEREBY ORDERED this 17th day of February, 1982, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*William T. Hackett*  
William T. Hackett, Chairman

*Keith S. Franz*  
Keith S. Franz

*Patricia Phipps*  
Patricia Phipps



82-52/

February 11, 1982

RECEIVED  
BALTIMORE COUNTY  
FEB 16 11 48 AM '82  
BY: CLERK OF COURT

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Case No. 82-52-SPHA.  
L. Franklin Price, et al

Wish to withdraw my  
appeal of above case as of  
this date 11 February 1982

Sincerely,  
Harry E. Merriken

FEB 12 '82 AM

RECEIVED  
BALTIMORE COUNTY  
FEB 8 2 23 PM '82  
COUNTY CLERK  
BY:

COVAHEY & BOOZER  
ATTORNEYS AT LAW  
614 BOSLEY AVENUE  
TOWSON, MARYLAND 21204

February 5, 1982

RE: Appeal - Petitions for Special Hearing and Variance  
S/E corner of York Road and Gerard Avenue  
L. Franklin Price, et ux - Petitioners  
Zoning Case #82-52-SPHA (Item 243)

Gentlemen:

Please schedule the hearing with respect to the above-captioned appeal at your earliest possible convenience.

Very truly yours,  
F. Vernon Boozer

FVB/pa  
cc: John W. Hessian, III, Esquire  
People's Counsel  
David Thomas, Esquire  
Ms. Shirley M. Ward  
Ms. Charlotte A. Sylvester

RECEIVED  
BALTIMORE COUNTY  
FEB 8 2 23 PM '82  
COUNTY CLERK  
BY:

494-3180

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21204  
February 17, 1982

Mr. Harry E. Merriken, Jr.  
7 Gerard Avenue  
Towson, Md. 21204

Re: Case No. 82-52-SPHA  
L. Franklin Price, et ux

Dear Mr. Merriken:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,  
Edith I. Eisenhart, Adm. Secretary

Encl.

cc: F. Vernon Boozer, Esquire  
L. Franklin Price, et ux  
Exxon Corporation  
David Thomas, Esquire  
Ms. Shirley M. Ward  
Miss Charlotte A. Sylvester  
John W. Hessian, III, Esquire  
Mr. J. E. Dyer  
Mr. W. E. Hammond  
Mr. N. E. Gerber  
Mr. J. G. Howell

DESCRIPTION OF LOCATION AT YORK ROAD AND  
GERARD AVENUE FOR SPECIAL HEARING AND  
VARIANCE

Beginning for the same at a point in the Easterly  
Right-of-Way line of York Road, (Maryland Route No. 145), Variable Width;  
152 feet south of the center line of Gerard Avenue thence, running with  
the Easterly Right-of-Way line by a curve to the right having a radius of  
5,775.70 feet and an arc of 101.99 feet to a point; thence, by a curve to  
the right having a radius of 18.83 feet and an arc of 35.09 feet to a point  
on the Southerly Right-of-Way line of Gerard Avenue, 40 feet Wide; thence,  
running with the Southerly Right-of-Way Line N 36° 22' 32" E 119.01 feet  
to a point; thence, S 18° 47' 06" E 90.55 feet to a point; thence,  
S 71° 12' 54" W 137.00 feet to the Point of Beginning.

Containing in all 14,810,662 square feet or 0.34 acres more or less

STATE OF MARYLAND  
COUNTY OF BALTIMORE  
NOTARY PUBLIC  
J. G. Howell

PETITION FOR SPECIAL HEARING AND VARIANCE  
8th DISTRICT

ZONING: Petition for Special Hearing and Variance

LOCATION: Southeast corner of York Road and Gerard Avenue

DATE & TIME: Tuesday, September 1, 1981 at 9:45 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to Case #3049 to convert an existing full service gas station to a gas-and-go operation; and Variance to permit a side yard of one foot instead of the required thirty feet.

The Zoning Regulation to be excepted as follows:  
Section 238.2 - Minimum side yard setback in a B. L. Zone

All that parcel of land in the Eighth District of Baltimore County

Being the property of L. Franklin Price, et ux, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, September 1, 1981, at 9:45 A.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
WILLIAM E. HAMMOND  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

August 25, 1981

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

F. Vernon Boozer, Esquire  
614 Bosley Road  
Towson, Maryland 21204

RE: Petition for Special Hearing & Variance  
SE/cor. York Rd. & Gerard Ave.  
L. Franklin Price, et ux - Petitioners  
Case #82-52-SPHA

Dear Mr. Boozer:

This is to advise you that \$69.25 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,  
WILLIAM E. HAMMOND  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 101618  
DATE 9/17/81 9/16/81 ACCOUNT 01/462  
AMOUNT \$69.25  
RECEIVED FROM: Exxon Company, U.S.A.  
FOR: Posting & Advertising of Case #82-52-SPHA (Price)  
207 SEP 16 6 25 PM  
VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL HEARING AND VARIANCE  
8th DISTRICT

ZONING: Petition for Special Hearing and Variance

LOCATION: Southeast corner of York Road and Gerard Avenue

DATE & TIME: Tuesday, September 1, 1981 at 9:45 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to Case #3049 to convert an existing full service gas station to a gas-and-go operation; and Variance to permit a side yard of one foot instead of the required thirty feet.

The Zoning Regulation to be excepted as follows:  
Section 238.2 - Minimum side yard setback in a B. L. Zone

All that parcel of land in the Eighth District of Baltimore County

Being the property of L. Franklin Price, et ux, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, September 1, 1981, at 9:45 A.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
WILLIAM E. HAMMOND  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

F. Vernon Boozer, Esquire  
614 Bosley Road  
Towson, Maryland 21204

August 2, 1981

NOTICE OF HEARING

RE: Petition for Special Hearing & Variance  
Southeast corner of York Rd. & Gerard Ave.  
L. Franklin Price, et ux - Petitioners  
Case No. 82-52-SPHA

TIME: 9:45 A.M.

DATE: Tuesday, September 1, 1981

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,  
TOWSON, MARYLAND

cc: Stewart A. Bein (Exxon)

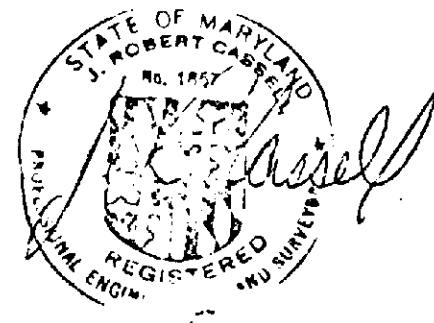
WILLIAM E. HAMMOND  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



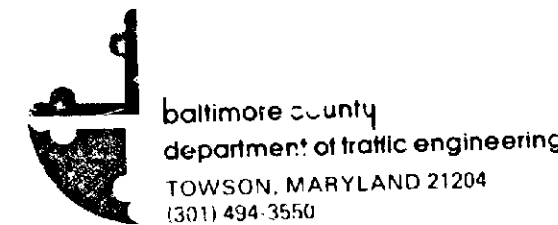
DESCRIPTION OF LOCATION AT YORK ROAD AND  
GERARD AVENUE FOR SPECIAL HEARING AND  
VARIANCE

Beginning for the same at a point in the Easterly  
Right-of-Way line of York Road, (Maryland Route No. 45), Variable Width;  
152 feet south of the center line of Gerard Avenue thence, running with  
the Easterly Right-of-Way line by a curve to the right having a radius of  
5,775.70 feet and an arc of 101.99 feet to a point; thence, by a curve to  
the right having a radius of 18.88 feet and an arc of 35.09 feet to a point  
on the Southerly Right-of-Way line of Gerard Avenue, 40 feet Wide; thence,  
running with the Southerly Right-of-Way Line N 86° 22' 32" E 119.01 feet  
to a point; thence, S 18° 47' 06" E 90.55 feet to a point; thence,  
S 71° 12' 54" W 137.00 feet to the Point of Beginning.

Containing in all 14,810.662 square feet or 0.34 acres more or less



OFFICE COPY



STEPHEN E. COLLINS  
DIRECTOR

August 27, 1981

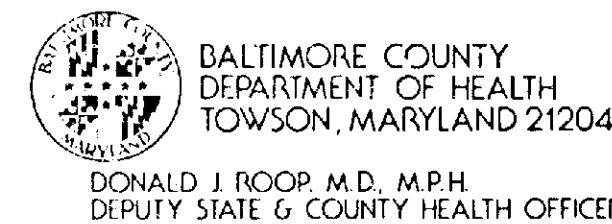
Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

The Department of Traffic Engineering has no comment regarding  
items number 243, 244, 245, 246, and 247 of ZAC meeting June 30, 1981.

Michael S. Plamman  
Traffic Engineering Associate II

MSF/jcm



DONALD J. ROOP, M.D., MPH  
DEPUTY STATE & COUNTY HEALTH OFFICER

August 24, 1981

Mr. William K. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item 243, Zoning Advisory Committee Meeting of  
June 27, 1981, are as follows:

Property Owner: L. Franklin & Edith L. Price  
Location: E/S York Road 152' S. of centerline of Gerard Avenue  
Existing Zoning: BL-CNS  
Proposed Zoning: Special Hearing to amend Case #3049 to convert  
an existing full service gas station to a gas-and-  
go operation, and Variance to permit a side yard  
setback of 1' in lieu of the required 30'.

Acres: 0.34  
District: 8th

Metropolitan water and sewer exist.

A permit to Construct from the Division of Air Pollution Control is  
required for such items as paint spray processes, underground gasoline storage  
tank/s (5,000 gallons or more) and any other equipment or process which exhausts  
into the atmosphere.

If lubrication work and oil changes are performed at this location,  
revised plans must be submitted showing method providing for the elimination of  
waste oil in accordance with Water Resources Administration requirements.

Very truly yours,

Jan J. Forrest  
Director  
BUREAU OF ENVIRONMENTAL SERVICES

BHS:imgt

9/1  
P2-52  
Price

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

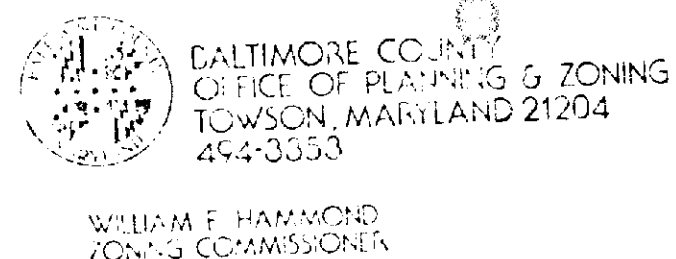
Mr. W. E. Hammond  
Zoning Commissioner  
TO: Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
SUBJECT: Petition No. 82-52-SPHA- Item 243  
Date: August 4, 1981

Petition for Special Hearing  
E/S York Road 152' S. of centerline of Gerard Avenue  
Petitioner- L. Franklin & Edith L. Price

If granted, it is requested that details of landscaping be submitted to the  
Division of Current Planning and Development for their approval.

Norman E. Gerber, Director  
Office of Planning and Zoning

NEG:JGH:ab



WILLIAM E. HAMMOND  
ZONING COMMISSIONER

F. Vernon Boozer, Esquire  
614 Bosley Avenue  
Towson, Maryland 21204

RE:

Petitions for Special Hearing and Variance  
SE/corner of York Road and Gerard Avenue  
L. Franklin Price, et ux - Petitioners  
Case #82-52-SPHA (Item 243)

Dear Mr. Boozer:

Please be advised that an Appeal has been filed by Harry E. Merriken, Jr.  
dated January 5, 1982, from my decision in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is  
scheduled by the County Board of Appeals.

Very truly yours,

William E. Hammond  
Zoning Commissioner

WEH:klr

cc: David Thomas, Esquire  
Pfeiffer and Fabian  
15 Charles Plaza, Suite 200  
Baltimore, Maryland 21201

Ms. Shirley M. Ward  
8 Beehive Place  
Cockeysville, Maryland 21030

Miss Charlotte A. Sylvester  
8 Beehive Place, Apt. H  
Cockeysville, Maryland 21030

John W. Hessian, III, Esquire  
People's Counsel

Miss Charlotte A. Sylvester  
8 Beehive Place, Apt. H  
Cockeysville, MD 21030

Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Sir: FRANKLIN PRICE, et ux

I am writing with regard to the Special Hearing,  
#82-52-SPHA, to be held in Room 105 on Tuesday,  
September 1, 1981, at 9:45 A. M.

I have been a regular customer of the Timonium  
Exxon Servicenter, 2111 York Road, Timonium, MD.  
ever since I moved to Cockeysville in June, 1974  
from Baltimore City. Their employees, especially the  
mechanic, Harry Offutt, have given me excellent service.

Upon learning, just this morning, that this special  
hearing is to be held to approve an amendment to Case  
#3049, "to convert an existing full-service gas station  
to a gas and go station", I am very, very upset and  
distracted about this.

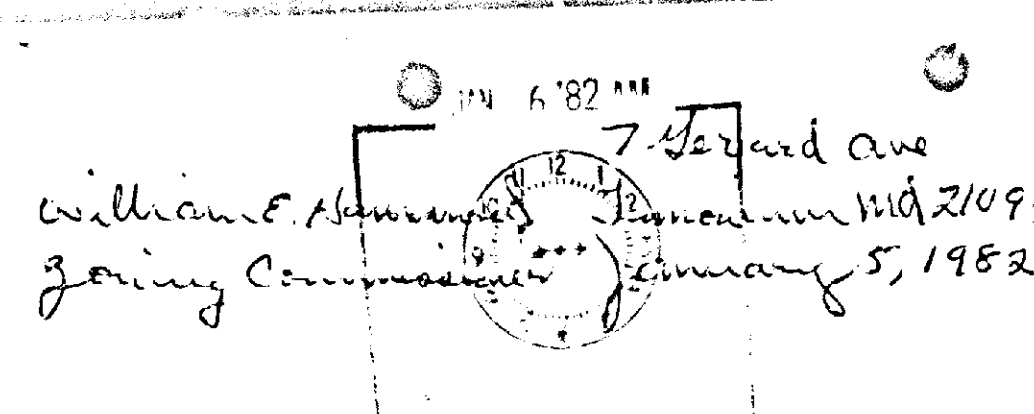
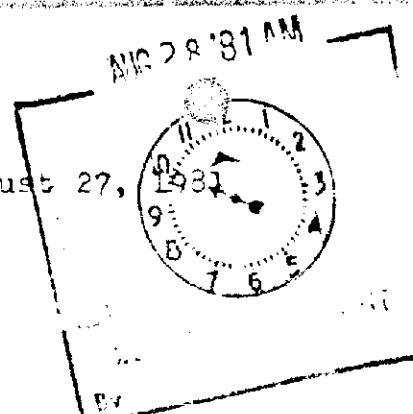
As an older driver, I am dependent upon a good,  
reliable service station for my car, and I have felt  
that way about Timonium Exxon. Their employees have  
always been courteous and dependable, and I felt safe  
to take my car to them for work. It is not easy  
these days to find such people!

There are certainly plenty of "gas and go" stations  
and we do not need another one on York Road! Just  
driving into a station for gas is not the answer for  
many drivers - we want the attendant to check under the  
hood, to be sure the battery has water, the oil is o.k.,  
etc. It gives a driver peace of mind to know that  
everything is in good shape.

If it is possible, I will attend the hearing next  
week; if I cannot get there, then I hope to hear that  
your decision will be to keep Timonium Exxon Servicenter  
the way it is now. It is just unthinkable to turn it  
into another station that offers only gasoline. I  
certainly feel that customers deserve full service, if  
they want it.

Sincerely,

(Miss) Charlotte A. Sylvester



Dear Sir:

Chin to file an appeal,

RE: Petition for Special Hearing and  
Variance  
SE corner of York Road and Gerard Ave  
8th Election District  
L. Franklin Price, et ux -  
Petitioners

NO 82-51-SPHA (ITEM NO. 243)

Date of Petition 9/1/81

Submitted 10/1/81

Enclosed check Forty dollars (\$40.00)

Sincerely,  
Harry E. Merriken, Jr.

H. E. Merriken, Jr.  
7 Gerard Avenue  
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

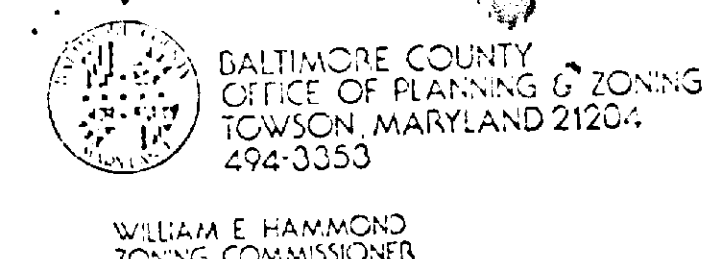
No. 104510

DATE 1/7/82 ACCOUNT 01-662

AMOUNT \$40.00

RECEIVED FROM Harry E. Merriken, Jr.

FOR Appeal fee for Case #82-51-SPHA (Price)



WILLIAM E. HAMMOND  
ZONING COMMISSIONER

F. Vernon Boozer, Esquire  
614 Bosley Avenue  
Towson, Maryland 21204

December 10, 1981

RE: Petitions for Special Hearing and  
Variance  
SE/corner of York Road and Gerard  
Avenue - 8th Election District  
L. Franklin Price, et ux -  
Petitioners  
NO. 82-52-SPHA (Item No. 243)

Dear Mr. Boozer:

I have this date passed my Orders in the above referenced matter in accord-  
ance with the attached.

Very truly yours,

William E. Hammond  
Zoning Commissioner

WEH:ert

Attachments

cc: David Thomas, Esquire  
Pfeiffer and Fabian  
15 Charles Plaza, Suite 200  
Baltimore, Maryland 21201

Mr. Harry E. Merriken, Jr.  
7 Gerard Avenue  
Towson, Maryland 21204

John W. Hessian, III, Esquire  
People's Counsel

Ms. Shirley M. Ward  
8 Beehive Place  
Cockeysville, Maryland 21030

Miss Charlotte A. Sylvester  
8 Beehive Place, Apt. H  
Cockeysville, Maryland 21030

34-7

4000

VALIDATION OR SIGNATURE OF CASHIER





EX 10 SIGN TO REMAIN AND BE  
PAINTED "LOAM BROWN" BY GENERAL  
CONTRACTOR. INSTALL LIGHTED  
PRICE SIGN ON POLE. SEE DWG. 1,  
FILE 17-G.

REMOVE EX LIGHT  
POLE & BASE

EX CONC RAMP TO REMAIN

TYPICAL BALLAND SEE  
DWG M-1, SHEET 2 OF 2,  
PROJ. NO 527 FOR DETAIL

REMOVE EX. CONC.  
MAT & CONC ISLANDS

SELF SERVE

FIRE PROTECTION SYSTEM-UN  
TO BE INSTALLED BY OTHERS.  
TO INSTALL CONDUITS & WIRIN  
SEE DWG. 1-FPS.

REMOVE EX.  
CONC. PADS

REMOVE EX AIR HOSE

REPAIR EX. 1  
PAINT

INSTALL TYPICAL YARD LIGHT.  
SEE DWG M-1, SHEET 1 OF 2,  
PROJ. NO. 527 FOR DETAIL.

REMOVE EX. CONC. CURB,  
LIGHT POLE & BASE

RAD

YORK

EX 6' G 7

EX 2' RW

EX 12' W 7

EX 6' RW

EX 20' D 7

EX 12' W 7

EX 24' D 7

EX CONC. RAMP  
TO REMAIN

CHD. = N 19° 43' 43" W

R = 5,775.70'

FINE GRADE  
SEED & MULCH

NEW CONC. C&G

SELF SERVE

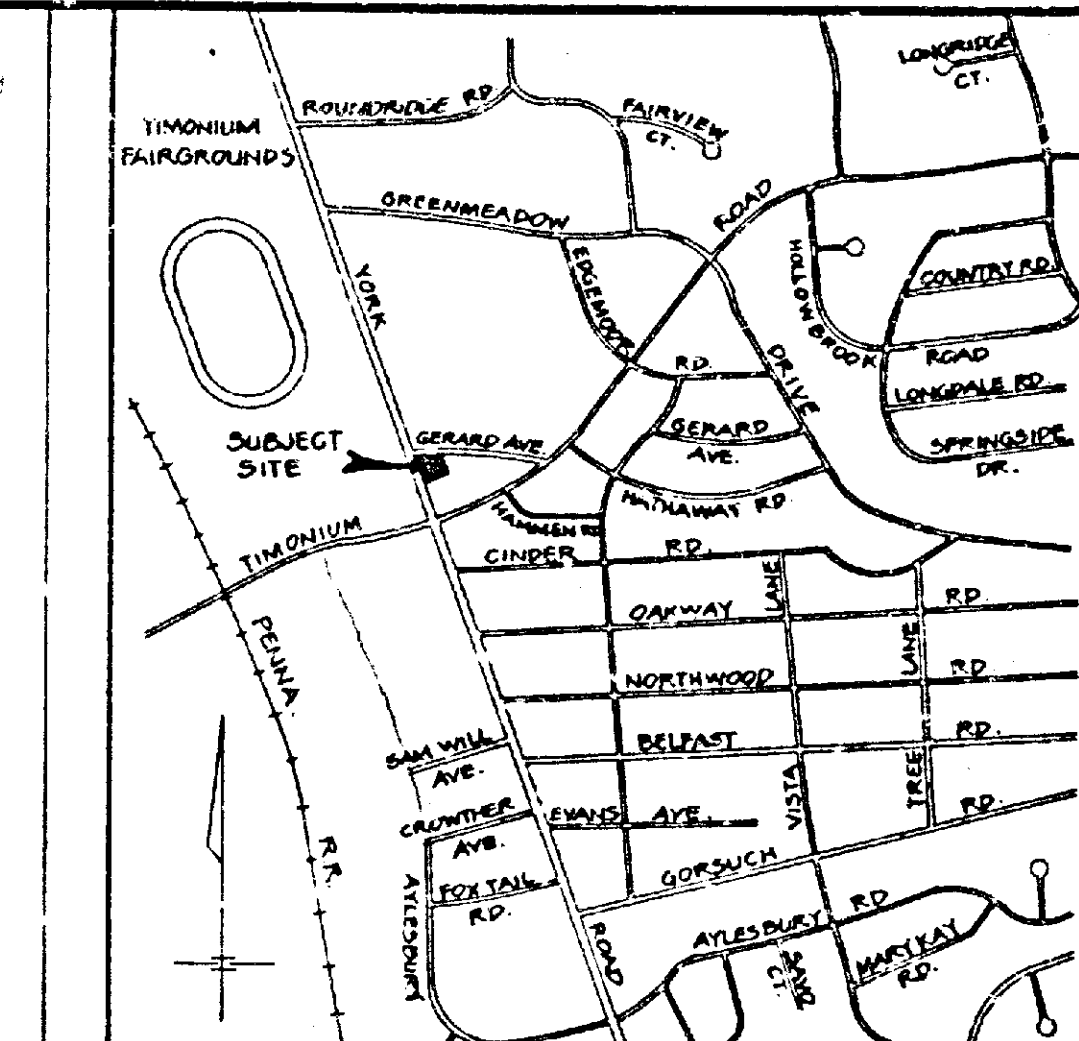
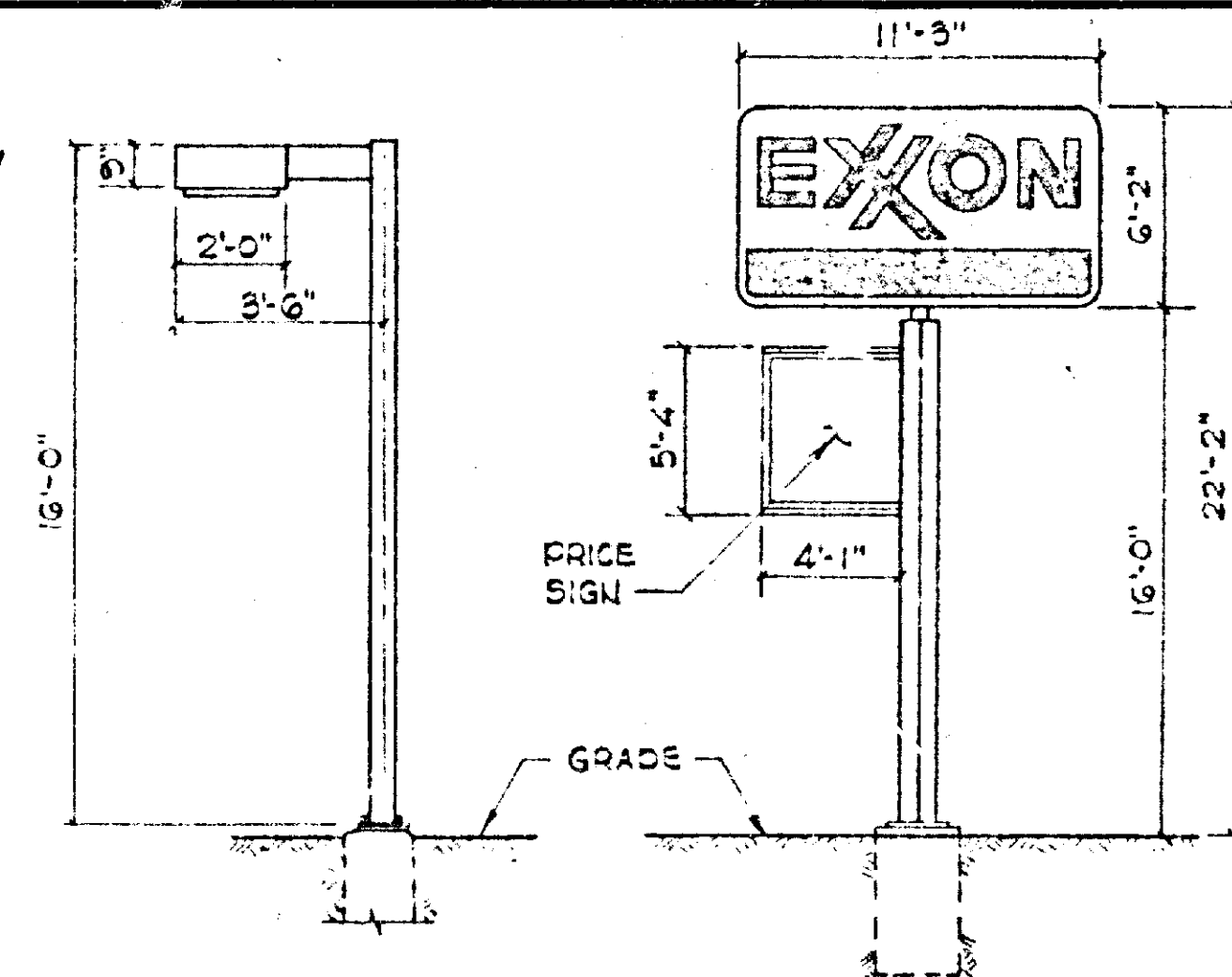
SELF SERVE

SELF SERVE

SELF SERVE

SELF SERVE

EXHIBIT 7  
PETITIONER'S



LOCATION MAP  
SCALE: 1"=1000'

## GENERAL NOTES

1. ENTIRE DRIVEWAY IS TO BE SEALCOAT BY GENERAL CONTRACTOR (PER EXCON SPECIFICATIONS) 90 DAYS AFTER THE INITIAL DATE OF INSTALLING THE NEW ASPHALT DRIVEWAY.
2. FROST PROOF WATER BIBB & AIR STANDARD TO BE INSTALLED AT FULL SERVE ISLAND.
3. SELF SERVE ISLAND CONTROL EQUIPMENT:
  - TRANSC: 2-A DISPENSING SYSTEM - 12 POSITION
  - ARDAC B-150 REMOTE AUTHORIZED SYSTEM.
  - "EXECUTONE" INTERCOM SYSTEM WITH MASTER STATION IN THE CASHIER AREA AND A SPEAKER ON EACH ISLAND
4. CANOPY NOTE: GENERAL CONTRACTOR IS TO FURNISH THE ANCHOR BOLTS AND INSTALL THE CONC. FOOTINGS AS SHOWN ON THE DETAILS. TOP OF ALL FOOTINGS ARE TO TERMINATE AT THE SAME ELEVATION. VERIFY WITH EXCON'S ENGINEER.. CANOPY FABRICATOR IS TO FURNISH ALL OF THE COLUMNS THE SAME LENGTH SO THAT 12"-6" MINIMUM CLEARANCE IS OBTAINED.
5. EVIDENCE WITHIN THE PROPERTY LINES TO BE REMOVED EXCEPT EX. I.D. SIGN.

## ZONING NOTES

Zoning Status

EXISTING ZONING: BL

PROPOSED ZONING: NO CHANGE

EXISTING DISTRICT: CNS

PROPOSED DISTRICT: NO CHANGE

Area Requirements

• 2 DISPENSER STANDS WITH 3  
SINGLE DISPENSER PUMPS SERVING  
2 CARS AT ONE TIME.

TOTAL SERVICING SPACES - 6

TOTAL SERVICING BAYS - NONE

TOTAL BAYS AND SPACES - 6

SITE AREA REQUIRED - 6 X 1500  
SQ. FT. - 2000

Access Points

2 DRIVEWAYS ON GERARD AVE.  
20 FEET WIDE

2 DRIVEWAYS ON YORK RD.  
23 FEET WIDE  
20 FEET WIDE

Landscaping

CONSISTS OF GRASS & SMALL

AREA A = 153 SQ. FT.  
AREA B = 294 SQ. FT.  
AREA C = 170 SQ. FT.  
AREA D = 433 SQ. FT.  
AREA E = 698 SQ. FT.

TOTAL 1448 SQ. FT. = 118 % OF TRACT.  
5% OF TRACT = 149.25 SQ. FT. MIN. REQ.

### Ancillary Uses

~~VEHICLE REPAIR SERVICE~~  
~~SALE-AUTOMOBILES-ACCESSORIES~~  
~~WHEEL-SALES-INSTALLATION~~  
~~WINDING-SHOES~~  
~~WINDING-SHOES-TOOLS~~

Parkin

SERVICE STATION

PARKING SPACES REQUIRED 9

PARKING SPACES PROVIDED 9

HANDICAPPED PARKING SPACE REQUIRED 1

TOTAL PARKING SPACES -- 5

ADDITIONAL AREA REQUIRED - NONE

EXISTING COMBINATION USES - NONE 4-40  
TOTAL AREA REQUIRED - 2,000 C  
TOTAL AREA OF TRACT - 14,810.26 SQ. FT.

### Lighting

4-400W MERCURY FLOODLIGHTS ON  
CONCRETE BASE. ~

THIS BLUEPRINT IS LOANED TO YOU  
AND MUST BE RETURNED WHEN IT HAS  
SERVED THE PURPOSE FOR WHICH INTENDED

REVISIONS:	
FINALIZED FOR PERMITS	GJD 5/13/81
FOR SPECIAL HEARING	GMS 6/22/81

REVISIONS:

**EXXON COMPANY, U.S.A.**  
(A DIVISION OF EXXON CORPORATION)  
POST OFFICE BOX 1288  
BALTIMORE, MARYLAND 21203

PROPOSED  
D/R - MOTOR FUEL STORAGE  
WITHOUT BAYS

DRAWN BY:	PJC
CHECKED BY:	
APPROVED BY:	
SCALE:	1" = 10'

PLOT PLAN FOR SPECIAL  
HEARING & VARIANCE  
YORK ROAD & GERARD AVE  
TIMONIUM, MARYLAND

DATE: APRIL 14, 1981  
FILE NO.: 5603  
SHEET NO.: ~ OF: ~  
DWG. 1-13 (M2P)